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September 10, 2020

**Via Online FOIA Portal**

Regional Freedom of Information Officer  
U.S. EPA, Region 9  
75 Hawthorne Street (ORC-1)  
San Francisco, CA 94105

**Re: FOIA Request for Cognizant Agency Negotiation  
Agreement Documents with Orange County Water District.**

Dear FOIA officer:

Soco West, Inc. requests the following agency records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, this request seeks records from United States Environmental Protection Agency, Region 9 (“EPA Region 9”) relating to a final “Cognizant Agency Negotiation Agreement” with the Orange County Water District (“OCWD”), dated May 21, 2019 (attached hereto as **Exhibit A**). The time period on all requests below is April 1, 2018 through September 10, 2020.

The precise requests for any writing or recording (as defined by the Federal Rules of Evidence rule 1001, including any electronically stored information) are:

1. All writings, including memoranda, reports, financials, spreadsheets, and graphical illustrations, relating to the Cognizant Agency Negotiation Agreement (**Exhibit A**) or services provided under the Agreement.
2. All communications, including emails, letters, and direct or shared messaging platforms such as Slack, between EPA Region 9 and OCWD

relating to the Cognizant Agency Negotiation Agreement (**Exhibit A**) or services provided under the Agreement.

3. All meeting agendas, meeting notes, slide presentations, and meeting summaries relating to meetings with personnel from OCWD in connection with the Cognizant Agency Negotiation Agreement (**Exhibit A**) or services provided under the Agreement.
4. All records relating to billing by EPA Region 9 to OCWD in connection with the Cognizant Agency Negotiation Agreement (**Exhibit A**) or services provided under the Agreement.
5. All records relating to payment of invoices or oversight costs by OCWD to EPA Region 9 in connection with the Cognizant Agency Negotiation Agreement (**Exhibit A**) or services provided under the Agreement.

We will accept responsibility for the reasonable and necessary costs associated with EPA's response to this request, including reasonable standard charges for document searching and duplication, up to a maximum amount of \$2,000.00. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(III); 40 C.F.R. § 2.102 (d). If EPA determines that the reasonable and necessary costs of responding to this request will exceed \$2,000.00, please contact us as soon as possible to discuss payment. If for some reason copies of certain agency records cannot be made or provided, we request an opportunity to view and inspect those agency records.

If a given agency record is responsive to more than one individual request or is found in more than one location, EPA need not provide multiple copies or duplicates of the same record. All responsive records that have not been provided, or that are not readily available, must still be provided in response to this request.

If it is EPA's position that any of the agency records requested in this letter are exempt from disclosure under the FOIA, EPA must nonetheless provide any reasonably segregable portions of those agency records after deleting or redacting the purportedly exempt portions. 5 U.S.C. § 552(b); *Pebble Ltd. P'ship v. US. Env'tl. Prot. Agency*, No. 3:14-cv-0199-HRH, 2016 WL 128088, at \*3 (D. Alaska Jan. 16, 2016).

If EPA withholds all or any portion of a record requested in this letter, EPA must indicate in the response the amount of information that is withheld, deleted, or redacted, as well as the basis for each withholding, deletion, or redaction. 5 U.S.C. § 552(b); 40 C.F.R. § 2.104(h). Please provide an index or catalogue of responsive agency records that EPA intends to withhold in full or in part, as well as an individual explanation for each full or partial withholding, consistent with the holding in *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

If EPA chooses to withhold segregable portions of any agency record that is responsive to this request, please use blackout redactions rather than deletions or “Whiteout” redactions. If agency records that would otherwise be responsive to this request have been destroyed or are no longer in EPA's control, please identify each record, the date of destruction, and the person(s) who destroyed the record.

We invite you to contact us as soon as possible to arrange for delivery of the agency records requested. In the meantime, we appreciate your prompt attention to this request, and look forward to your response.

Sincerely,

RING BENDER LLP



Jay A. Tufano